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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,343	09/26/2003	Jurgen Greil	080437.52298US	5245

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EXAMINER

ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/670,343	GREIL, JURGEN	
	Examiner	Art Unit	
	Paul Royal	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>26 Sept 03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 26 September 2003 has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what applicant considers as the steps or procedures claims for making the passenger vehicle of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claim 1-5, 11-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wantanabe et al. (US 4,511,176) in view of Barutzky et al. (DE 19841331).

Wantanabe et al. teaches a passenger vehicle comprising and a pear shaped fuel tank (3), designed to hold liquefied gas, wherein the tank is mounted between vehicle seats (4) and extends in a longitudinal direction of the vehicle.

Wantanabe et al. does not show a vehicle having an engine mounted in a front end, a drive shaft which leads to rear vehicle wheels, and wherein the drive shaft runs alongside the fuel tank from front to rear to provide to provide a centralized, compact location for the drive shaft and exhaust.

Barutzky et al. (DE 19841331) teaches a vehicle body including a drive shaft (3) which leads to rear vehicle wheels, and wherein the drive shaft (3) runs alongside the fuel tank (6) from front to rear and an exhaust system (5) system of the engine runs from front to rear on a side of the fuel tank (6) opposite the drive shaft (3) to provide a centralized, compact location for the drive shaft and exhaust.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the passenger vehicle of Wantanabe et al. and Barutzky et al., as applied to claim 1, to provide a centralized, compact location for the drive shaft and exhaust.

For claim 11, note the disclosure of the prior art above is understood to include the method of using the disclosed vehicles.

4. Claims 6-9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wantanabe et al. and Barutzky et al., as applied to claim 1 and claim 12 as applicable, in view of Hiramatsu et al. (US 4,719,998).

Wantanabe et al. and Barutzky et al. teaches a passenger vehicle having the claim limitations except a gear reduction manual transmission provided between the engine and the drive shaft for the rear wheels is mounted on a side of the engine.

Hiramatsu et al. teaches a gear reduction manual transmission (2) provided between the engine (1) and the drive shaft (33) for the rear wheels (17,18) is mounted on a side of the engine (1) to distribute engine power between the front and rear axles.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the passenger vehicle of Wantanabe et al. and Barutzky et al., as applied to claim 1, to include a gear reduction transmission provided between the engine and the drive shaft for the rear wheels is mounted on a side of the engine, as taught by Hiramatsu et al. to distribute engine power between the front and rear axles.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watanabe et al. '724 teaches a fuel tank. Tanaka et al. teaches a vehicle body Ogawa et al. teaches a fuel supply means. Watanabe et al. teaches a vehicle body. Bees et al. teaches a fuel tank. Simplicean teaches an automotive body. Ogasa teaches a fuel tank.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


P. Royal
March 22, 2004

Paul Royal
Examiner
Art Unit 3611


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
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